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that she executes a deed or mortgage appears in person before the officer, he has no authority under the statute to take her acknowledgment. An acknowledgment made to the officer over a telephone wire by the married woman, who is not present with the officer, is not an acknowledgment 'before' the officer, as is expressly required by the statute. The nature of the acknowledgment required by the statute to be made by the married woman to the officer renders it essential that she in fact be 'before,' that is, in the personal presence of, the officer when the acknowledgment is made to him by her."

But in *Banning v. Banning*, 80 Cal. 271, 22 Pac. 210, it was held that evidence that a party to a deed is a married woman, and not present before the notary who took her acknowledgment through a telephone when she was three miles distant, is not admissible to dispute the official certificate of the notary in due form, in the absence of any allegations of fraud, duress, or mistake. However, in this case the decision was that no fraud was shown to impeach the officer's certificate, and the validity of an acknowledgment taken over a telephone was not expressly decided. And in a later case by the same court (*Le Mesnager v. Hamilton*, 101 Cal. 532, 35 Pac. 1054), it was held that the certificate of acknowledgment by a married woman is not conclusive, but may be impeached by parol evidence that she never appeared before the officer certifying thereto. The court in referring to the *Banning* case said:

"In *Banning v. Banning* the wife acknowledged the deed through a telephone, and afterwards delivered the deed, apparently properly acknowledged, to the grantees, who were not shown to have had any notice of the manner in which the acknowledgment was taken. Under these circumstances, the court held that the certificate was conclusive, and that the married woman could not avoid her deed because of the fact that she did not personally appear in the actual presence of the officer certifying to the acknowledgment. That was all that was decided there, and that case is authority for nothing more."

ERRATA.

In our August number of the REGISTER we put the birth of Chapman Johnson as 1799. Of course the error was apparent as he attended William and Mary College in 1802. The date should have been 1779.